

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

THERON JOHNNY MAXTON,
Plaintiff

v.

J. THOMAS, WARDEN, *et al.*,
Defendants

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: CIVIL NO. 1:13-CV-0713
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ORDER

AND NOW, this 15th day of May, 2013, upon consideration of the report and recommendation of the magistrate judge (Doc. 8), filed April 17, 2013, to which no objections were filed, and upon independent review of the record, it is ORDERED that:

1. The magistrate judge's report (Doc. 8) is adopted.
2. Plaintiff's motion to proceed *in forma pauperis* (doc. 2) is granted.
3. Plaintiff's complaint (doc. 1) is dismissed without prejudice to refiling upon exhaustion of available BOP administrative remedies.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge